

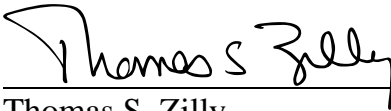
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02
03 UNITED STATES DISTRICT COURT
04 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

05 TOMMY OWEN HARTZ,) CASE NO. C08-0362-TSZ
06) (CR02-157-TSZ)
06 Petitioner,)
07)
07 v.) ORDER DISMISSING MOTION
07) UNDER 28 U.S.C. § 2255
08 UNITED STATES OF AMERICA,)
08)
09 Respondent.)
10 _____)

11 The Court, having reviewed petitioner's § 2255 motion, the government's answer thereto,
12 the Report and Recommendation of the Honorable Mary Alice Theiler, United States Magistrate
13 Judge, and the remaining record, does hereby find and Order:

- 14 (1) The Court adopts the Report and Recommendation;
15 (2) Petitioner's amended motion to vacate, set aside, or correct his sentence pursuant
16 to 28 U.S.C. § 2255 (Dkt. No. 13) and this action are DISMISSED; and
17 (3) The Clerk is directed to send copies of this Order to petitioner, to counsel for
18 respondent, and to Judge Theiler.

19 DATED this 6th day of April, 2009.

20 
21 Thomas S. Zilly
22 United States District Judge